

Remarks

Favorable consideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-4, 6 and 8-12 are pending. Claims 1-4, 6 and 8-12 have been rejected. Claims 1, 6 and 11 have been amended and claim 12 has been cancelled without prejudice. No new matter has been added.

Claims 1-4, 6 and 8-12 has been rejected under 35 U.S.C. §112, first paragraph. The Examiner asserts that the specification, while being enabling for unfused piperazines, and an octahydropyrido[1,2-a]pyrazine ring system, exemplified in examples 2 and 3, does not reasonably provide enablement for the remaining scope of ring systems permitted by the claims.

To facilitate prosecution, claim 1 has been amended to delete the phrase "optionally containing a further heteroatom selected from O and S" recited for "R6 forms together with R7 a 4-7 membered saturated ring."

In view of the above, withdrawal of the rejection of claims 1-4, 6 and 8-12 under 35 U.S.C. §112, first paragraph, is respectfully requested.

Claim 12 has been rejected under 35 U.S.C. §112, first paragraph. The Examiner contends that the specification, while being enabling for treating pain covered by claim 11, does not reasonably provide enablement for the scope of uses covered in claim 12.

To facilitate prosecution, claim 12 has been cancelled without prejudice.

In view of the above, withdrawal of the rejection of claim 12 under 35 U.S.C. §112, first paragraph, is respectfully requested.

A good faith effort has been made to place the present application in condition for allowance. If the Examiner believes a telephone conference would be of value, she is requested to call the undersigned at the number listed below.

Dated: February 27, 2009

Organon International Inc.
Patent Department
c/o Schering-Plough Corporation
2000 Galloping Hill Road
Kenilworth, New Jersey 07033-0530
K-6-1; MS 1990
Tel: (908) 298-2161
Fax: (908)-298-5388

Respectfully submitted,

By 

Susan Hess
Registration No.: 37,350
Attorney For Applicant(s)

96302_1.DOC